

## **APPENDIXES**

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## **APPENDIX A**

U.S. Fish and Wildlife Letter to the State Historic  
Preservation Officer

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

P.O. Box 1306  
Albuquerque, New Mexico 87103



In Reply Refer To:  
FWS/R2/ARD-ES/046576

NOV 29 2010

Mr. James Garrison  
State Historic Preservation Officer  
State Historic Preservation Office, Arizona State Parks  
1300 West Washington Street  
Phoenix, Arizona 85007

Dear Mr. Garrison:

The U.S. Fish and Wildlife Service (Service) is currently working with Pima County (County) in southern Arizona, to finalize their Habitat Conservation Plan (HCP), a document that is required for the Service to issue the County an Incidental Take Permit (ITP) under section 10 of the Endangered Species Act (Act). The County is pursuing the ITP to address compliance with the Act for various activities that the County proposes to undertake or permit.

The Service requires compliance with the National Historic Preservation Act of 1966 (NHPA) for its Federal undertakings of an ITP under section 10(a)(1)(B) of the Act constitutes an undertaking using the definition of "undertaking" as found in 36 CFR 800.16(y) of the NHPA's implementing regulations.

As outlined in 36 CFR 800.3, the Service, having determined that the issuance of an ITP is a Federal undertaking, must next evaluate whether that action has the potential to cause effects on historic properties. The Service's issuance of an ITP, pursuant to section 10(a)(1)(B) of the Act, authorizes the "take" of listed species that may occur incidental to otherwise lawful activities. While the activities covered for take under an ITP can result in ground-disturbing activities that may affect historic properties, the issuance of an ITP does not actually authorize those activities.


Therefore, the issuance of an ITP by the Service to the County for the covered activities found within their HCP will not authorize ground-disturbing activities. Consequently, the Service has determined, pursuant to 36 CFR 800.3(a)(1), that the nature of the undertaking has no potential to cause effects to historic properties.

The Service has and will continue to conduct tribal consultations with affected tribes for the actions proposed in the HCP. In addition, actions within the County's HCP will be subject to review by the County's Cultural and Historic Preservation office, which identifies any

requirements related to cultural and historic resource protection as outlined under the County's Comprehensive Plan, their grading and rezoning ordinances, and the County Board of Supervisor's Policy C 3.17. This process will ensure that historic and cultural resources are not destroyed or damaged. Given the information provided, we believe that the Service has complied with the section 106 process and has no further obligations under section 106 of the NHPA or its implementing regulations with regard to the issuance of an ITP for the associated HCP.

We appreciate the State Historic Preservation Office's assistance related to the ongoing HCPs being developed in southern Arizona. If you have any questions regarding this correspondence, or need any additional information, please contact Sherry Barrett, U.S. Fish and Wildlife Biologist Supervisor, at 520-670-6150 extension 223 or Scott Richardson, U.S. Fish and Wildlife Biologist at extension 242, Arizona Ecological Services Field Office. Thank you for your consideration of endangered species.

Sincerely,

A handwritten signature in black ink, reading "Jay E. Nikolopoulos". The signature is written in a cursive, flowing style.

Deputy Regional Director

Mr. James Garrison

3

cc: County Administrator, Pima County, Tucson, AZ  
Pima County Cultural and Historic Preservation Office, Pima County, Tucson, AZ  
(Attn: Linda Mayro)  
Regional HCP Coordinator, Fish and Wildlife Service, Albuquerque, NM  
Field Supervisor, Fish and Wildlife Service, Phoenix, AZ  
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, AZ  
Habitat Branch Chief, Arizona Game and Fish Department, Phoenix, AZ  
Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ (Attn: John Windes)

In reply, refer to SHPO-2010-1629(88318)

December 20, 2010

Joy Nichopoulos  
U.S. Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, NM 87103

Re: Pima County Incidental Take Permit, FWS/R2/ARD-ES/046576

Janice K. Brewer  
Governor

State Parks  
Board Members

Chair  
Reese Woodling  
Tucson

Tracey Westerhausen  
Phoenix

Larry Landry  
Phoenix

Walter D. Armer, Jr.  
Vail

Arlan Colton  
Tucson

William C. Scalzo  
Phoenix

Maria Baier  
State Land  
Commissioner

Renée E. Bahl  
Executive Director

Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

Tel & TTY: 602.542.4174  
AZStateParks.com

800.285.3703 from  
(520 & 928) area codes

General Fax:  
602.542.4180

Director's Office Fax:  
602.542.4188

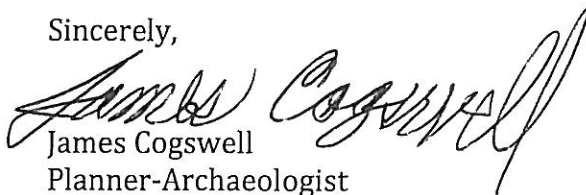
Dear Ms. Nichopoulos:

Thank you for your letter concerning the above-referenced permit. After conversations with Mr. Scott Richardson, USFWS Biologist, and Ms. Linda Mayro, Pima County Cultural Resources Manager, I am in agreement with your November 29, 2010 letter to Mr. James Garrison, Arizona State Historic Preservation Officer, that for the purposes of Section 36 CFR 800.3 and 800.16(y) the simple issuance of an Incidental Take Permit (ITP) by USFWS does not authorize ground-disturbing activities that would require consultation under Section 106 of the National Historic Preservation Act (NHPA). Should such disturbances be required, it would be Pima County's responsibility to review such undertakings, at which time the responsible agency would initiate consultation.

Agencies other than USFWS should not assume that the issuance of this ITP absolves them of consultation under Section 106 of the NHPA for projects within Pima County, nor should USFWS use the ITP in lieu of consultation for other undertakings that may produce adverse effects to historic properties.

I appreciate your cooperation with this office in complying with federal historic preservation requirements. If you have any additional questions or concerns, please feel free to contact me at 602/542-7142, or email me at [jcogswell@azstateparks.gov](mailto:jcogswell@azstateparks.gov).

Sincerely,



James Cogswell  
Planner-Archaeologist  
State Historic Preservation Office

Cc: Linda Mayro, Pima County Historic Preservation Office



## **APPENDIX B**

U.S. Fish and Wildlife Letters to Tribal Representatives

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# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Louis J. Manuel  
Chairman, Ak Chin Indian Community  
42507 West Peters & Nall Road  
Maricopa, Arizona 85138

Dear Chairman Manuel:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the Ak-Chin Indian Community and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

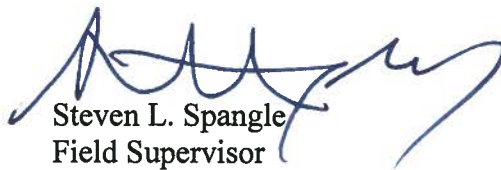
This letter is to inquire whether the Ak-Chin Indian Community has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our

decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at (928) 556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Caroline Antone, Manager, Cultural Resource Department, Ak Chin Indian Community,  
Maricopa, AZ  
Brenda Ball, Director, Environmental Protection Department, Ak Chin Indian Community,  
Maricopa, AZ  
Tribal Attorney, Office of General Counsel, Ak-Chin Indian Community, Maricopa, AZ

cc (electronic)

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Eldred Enas  
Chairman, Colorado River Indian Tribes  
26600 Mohave Road  
Parker, Arizona 85344

Dear Chairman Enas:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands

in unincorporated Pima County, outside the Colorado River Indian Tribes and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Colorado River Indian Tribes have any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative

Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Carl Harper, Jr., Chief, Game Warden, Colorado River Indian Tribes, Parker, AZ  
Lisa Swick, Cultural Compliance Technician, Museum, Colorado River Indian Tribes, Parker, AZ  
Attorney General's Office, Colorado River Indian Tribes, Parker, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ





# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Jeff Houser  
Chairman, Fort Sill Apache Tribe  
Route 2 Box 121  
Apache, Oklahoma 73006

Dear Chairman Houser:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the Fort Sill Apache Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County

Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Fort Sill Apache Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me

directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Ms. Jerri Davis, EPA Director, Natural Resources, Fort Sill Apache Tribe, Apache, OK  
Cultural Resources Department, Fort Sill Apache Tribe, Apache, OK  
Tribal Attorney, Fort Sill Apache Tribe, Apache, OK

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ

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# United States Department of the Interior

U.S. Fish and Wildlife Service  
Arizona Ecological Services Office  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Gregory Mendoza  
Governor, Gila River Indian Community  
P.O. Box 97  
Sacaton, Arizona 85247

Dear Governor Mendoza:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

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The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Gila River Indian Community has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of

Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at (928) 556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Barnaby Lewis, Tribal Historic Preservation Officer, Gila River Indian Community, Sacaton, AZ  
Rudy Mix, Director, Department of Environmental Quality, Gila River Indian Community,  
Sacaton, AZ  
Tana Fitzpatrick, Assistant General Counsel, Gila River Indian Community, Sacaton, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ



# United States Department of the Interior

U.S. Fish and Wildlife Service  
Arizona Ecological Services Office  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable LeRoy Shingoitewa  
Chairman, Hopi Tribe  
P.O. Box 123  
Kykotsmovi, Arizona 86039

Dear Chairman Shingoitewa:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the Hopi Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Hopi Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

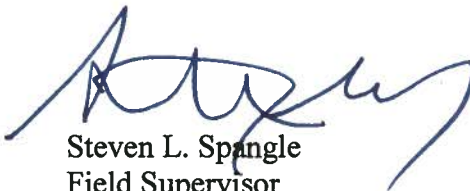
In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of



Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Clayton Honyumtewa, Acting Manager, Natural Resources Dept., Hopi Tribe, Kykotsmovi, AZ  
Leigh J. Kuwanwisiwma, Director, Hopi CPO, Hopi Tribe, Kykotsmovi, AZ  
Tribal Attorney/Office of General Counsel, Hopi Tribe, Kykotsmovi, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Frederick Chino  
President, Mescalero Apache Tribe  
P.O. Box 227  
Mescalero, New Mexico 88340

Dear President Chino:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands

in unincorporated Pima County, outside the Mescalero Apache Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Mescalero Apache Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any

documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at (928) 556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Thora Padilla, Program Mgr., Resource Mgt and Protection, Mescalero Apache Tribe, Mescalero, NM  
Holly Houghten, Tribal Historic Preservation Officer, Mescalero Apache Tribe, Mescalero, NM  
Tribal Attorney, Office of General Counsel, Mescalero Apache Tribe, Mescalero, NM

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Joe Early, Native American Liaison, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
State Administrator, Fish and Wildlife Service, Albuquerque, NM  
Joe Jojola, Southwestern Region, Bureau of Indian Affairs, Albuquerque, NM  
Chandler Sanchez, Chairman, All Indian Pueblo Council, Albuquerque, NM  
Regional Director, Bureau of Indian Affairs, Albuquerque, NM  
Melissa Mata, Fish and Wildlife Service, Albuquerque, NM  
Jennifer Smith, Wildlife Biologist, BIA Mescalero Agency, Mescalero NM



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Peter S. Yucupicio  
Chairman, Pascua Yaqui Tribe  
7474 South Camino De Oeste  
Tucson, Arizona 85757

Dear Chairman Yucupicio:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands

in unincorporated Pima County, outside the Pascua Yaqui Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

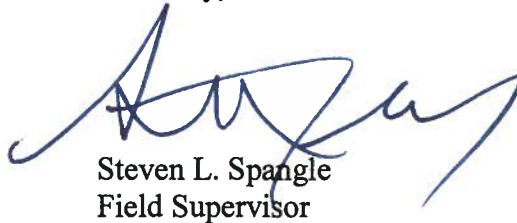
This letter is to inquire whether the Pascua Yaqui Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any

documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Rolando Flores, Interim Attorney General, Pascua Yaqui Tribe, Tucson, AZ  
Kelly Gomez, Director, Land Department, Pascua Yaqui Tribe, Tucson, AZ  
Wildlife Biologist, Pascua Yaqui Tribe, Tucson, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
State Administrator, Fish and Wildlife Service, Albuquerque, NM  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Keeny Escalanti, Sr.  
President, Quechan Tribe  
P.O. Box 1899  
Yuma, Arizona 85366-1899

Dear President Escalanti:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the Quechan Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).



The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Quechan Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of

Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at (928) 556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Tribal Administrator, Quechan Tribe, Yuma, AZ  
Pauline Jose, Chairperson, Cultural Committee, Quechan Tribe, Yuma, AZ  
Gordon Osborne, Director, Game and Fish Department, Quechan Tribe, Yuma, AZ  
Tribal Attorney, Office of General Counsel, Quechan Tribe, Yuma, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ



# United States Department of the Interior

U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Diane Enos  
President, Salt River Pima-Maricopa Indian Community  
10005 East Osborn  
Scottsdale, Arizona 85256

Dear President Enos:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the Salt River Pima-Maricopa Indian Community and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the Salt River Pima-Maricopa Indian Community has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Daniel Dagget, Environmental Program Supervisor, Salt River Pima-Maricopa Indian Community, Scottsdale, AZ

Vince Lujan, Office of General Counsel, Salt River Pima-Maricopa Indian Community, Scottsdale, AZ

Kelly Washington, Director, Cultural Resources Department, Salt River Pima-Maricopa Indian Community, Scottsdale, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ

Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)

(Attn: Native American Liaison)

Regional Director, Bureau of Indian Affairs, Phoenix, AZ

Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ

John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ



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Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Terry Rambler  
Chairman, San Carlos Apache Tribe  
P.O. Box 0  
San Carlos, Arizona 85550

Dear Chairman Rambler:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the San Carlos Apache Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County

Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the San Carlos Apache Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me

directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Wendsler Nosie, Sr., Acting Director, Wildlife & Recreation, San Carlos Apache Tribe, San Carlos, AZ  
Vernelda Grant, Director, Archeologist, THPO, NAGPRA, San Carlos Apache Tribe, San Carlos, AZ  
Alexander B. Ritchie, Office of Attorney General, San Carlos Apache Tribe, San Carlos, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ

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U.S. Fish and Wildlife Service

Arizona Ecological Services Office

2321 West Royal Palm Road, Suite 103

Phoenix, Arizona 85021-4951

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Ned Norris, Jr.  
Chairman Tohono O'odham Nation  
P.O. Box 837  
Sells, AZ 85634

Dear Chairman Norris:

Based on your status as a sovereign nation and in keeping with our trust responsibility and our Statement of Relationship, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Nation's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Nation may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands in unincorporated Pima County, outside the Tohono O'odham Nation and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether your Nation has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at 928-556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

Attached (Map)

cc: Augustine Toro, Director, Natural Resources Dept. Tohono O' odham Nation, Sells, AZ  
Peter Steere, Manager Cultural Affairs, Tohono O' odham Nation, Sells, AZ  
Tribal Attorney, Office of General Counsel, Tohono O' odham Nation, Sells, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ

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# United States Department of the Interior

U.S. Fish and Wildlife Service  
Arizona Ecological Services Office  
2321 West Royal Palm Road, Suite 103  
Phoenix, Arizona 85021-4951  
Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:

AESO/SE

July 17, 2012

Honorable Ronnie Lupe  
Chairman, White Mountain Apache Tribe  
PO Box 700  
Whiteriver, Arizona 85941

Dear Chairman Lupe:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as advance notice that the U.S. Fish and Wildlife Service (Service) is considering issuance of an Endangered Species Act 10(a)(1)(B) incidental take permit (Permit) to Pima County in Arizona. We are in the process of developing a Draft Environmental Impact Statement (DEIS) and working with Pima County to develop a Draft Multiple Species Conservation Plan (DMSCP) associated with this action.

With this letter, the Service is advising you of this Federal undertaking and initiating consultation under the National Historic Preservation Act, the American Indian Religious Freedom Act, the National Environmental Policy Act, and Executive Order 13175- - Consultation and Coordination with Indian Tribal Governments. We invite your participation and comment on this issuance of a Section 10 Permit that will cover non-Indian reservation and non-Federal lands in Pima County.

In accordance with Secretarial Order 3206 and the Service's Native American Policy, we consult with Indian tribes when actions taken under authority of the ESA may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Secretarial Order. At your request, my staff and I are available to meet with you as part of the government-to-government consultation process to discuss your Tribe's perspective regarding the potential issuance of an incidental take permit to Pima County and their associated DMSCP; learn how your Tribe may be affected by permit issuance; and discuss how tribal information, comments, and expertise may be incorporated into the permitting and habitat conservation planning processes.

The purpose of the MSCP is to avoid, minimize, and mitigate impacts to species and their habitat, and it addresses the conservation of 44 species that may be impacted as a result of otherwise lawful activities, including construction by Pima County and its development community within the permit area. The Section 10 permit will be for 30 years, and will apply only to non-Federal lands

in unincorporated Pima County, outside the White Mountain Apache Tribe and outside the incorporated limits of cities and towns (see attached figure of proposed Pima County Section 10 permit area).

The Pima County DMSCP represents the culmination of many years of planning and studies in the development of the Sonoran Desert Conservation Plan (SDCP) that was initiated by the Pima County Board of Supervisors in 1998. The purpose of the SDCP was to develop a regional plan to address the long-term conservation and preservation of the County's natural and cultural resources, including the survival of native species. In 1999, the Tohono O'odham Nation and Pima County jointly signed a "Declaration of Intent to Cooperatively Participate in the Sonoran Desert Conservation Plan." To our knowledge, Pima County did not enter into a similar arrangement with any other Tribe. Many SDCP initiatives are currently being implemented, and the conservation measures proposed in the DMSCP ensure compliance with the Endangered Species Act and provide a higher level of protection for native species and their habitats that would otherwise not exist.

The Service has reviewed the DMSCP, and we expect that a public Draft MSCP and associated public Draft EIS will become available for review by the end of summer 2012. Under the National Environmental Policy Act (NEPA), the Service is responsible for accepting formal public comments about the DMSCP and DEIS, and we welcome your review and comment. We will notify you when the availability of these documents for public comment is announced in the Federal Register. The entire Federal approval process is expected to take at least one year before Pima County could be issued a Section 10 Permit. Please note that the Service does not have jurisdiction over any of the lands involved, nor does the Service control funding, licensing, siting, or construction of any projects undertaken by Pima County or the development community under the DMSCP. The sole purpose of the Section 10 Permit is to bring about measures that will avoid, minimize, or mitigate impacts to listed species and permit the incidental take of covered species resulting from the covered activities. However, the Permit does not in any way authorize the activities that may result in impacts to these species.

This letter is to inquire whether the White Mountain Apache Tribe has any concerns about culturally significant species or their habitats and traditional cultural places, sacred places, or ancestral places where the presence and continued well-being of any culturally significant species is important in that place. If you have any concerns regarding cultural values in the Permit area (see attached figure) or other ways in which your Tribe may be affected, please advise us as soon as possible so that the Service can consult with you further to ensure your concerns are addressed in the DEIS and to determine what action is needed to protect culturally important species and their habitat, or otherwise address your concerns.

In keeping with our trust responsibility, we shall protect tribal information that you disclose to us to the maximum extent practicable. Please note, however, that your information will be included as part of our Administrative Record and, therefore, available for public review and subject to release under the Freedom of Information Act, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions (5 U.S.C) §552 as amended). While we regret that tribal information is subject to disclosure, this is required by law under the Administrative

Procedure Act. You may submit a redacted version (with sensitive information removed) of any documents, plans, or records so that no proprietary, commercial, or sensitive information is released. Please note, however, we will not be able to consider any redacted portions of the documents in our decision-making process. In the event the Service receives a Freedom of Information Act request, and the requested records contain information concerning the Tribe, we will consult with you.

Thank you for your review and consideration of this notice. We will provide you information on how to access or receive the DEIS and DMSCP when these documents become available to the public. We will also continue providing all interested tribes with additional information regarding this action as it becomes available. We welcome your comments and participation. Please call me directly at (602) 242-0524 (x244) if you have any questions; or ask your staff to contact Jean Calhoun (520) 670-6150 (x223) or Scott Richardson (x242) in our Tucson office; or John Nystedt, Tribal Coordinator, at (928) 556-2160.

Sincerely,



Steven L. Spangle  
Field Supervisor

cc (hard copy):

Ramon Riley, Director, Cultural Resources, White Mountain Apache Tribe, Whiteriver, AZ  
Cynthia Dale, Sensitive Species Coordinator, White Mountain Apache Tribe, Whiteriver, AZ  
Robert C. Brauchli, General Counsel, White Mountain Apache Tribe, Whiteriver, AZ

cc (electronic):

John Nystedt, Arizona Tribal Coordinator, Fish and Wildlife Service, Flagstaff, AZ  
Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-EA)  
(Attn: Native American Liaison)  
Regional Director, Bureau of Indian Affairs, Phoenix, AZ  
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs, Phoenix, AZ  
John Lewis, Executive Director, Inter-Tribal Council of Arizona, Phoenix, AZ

## **APPENDIX C**

### Disclosure Statement

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## DISCLOSURE STATEMENT

for *RECON Environmental, Inc.* concerning the preparation of the EIS  
for the *Pima County Multi-Species Conservation Plan HCP*

I, Lori Woods, of RECON Environmental, Inc., have made inquiry and to the best of my knowledge and belief declare that executing the contracted work of preparing the EIS for the Pima County Multi-Species Conservation Plan HCP does not represent an actual or potential conflict of interest and RECON Environmental, Inc. does not have any financial or other interest in the outcome of this project.

I understand the term "conflict of interest" to mean that because of other activities or relationships with other persons, the contractor is unable or potentially unable to render impartial assistance or advice to the Government, or the contractor's objectivity in performing the contract work is or might be otherwise impaired, or the contractor may have an unfair competitive advantage. I understand the phrase "no financial or other special interest in the outcome of the project" to include any financial benefits such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of other than the enhancement of the contractor's professional reputation.

Signed:

Lori Woods, Principal  
[name]

Employers name:

RECON Environmental, Inc.

Address:

525 W. Wetmore, Suite 111

Tucson, AZ 85705

Phone number:

520-325-9977

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